

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6808 OF 2005

IN

CRIMINAL APPEAL NO. 947 OF 2005

Deelip Biru Pujari & Ors ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr. Ganesh Gole, Advocate for Applicant

Mr. V.B. Konde Deshmukh, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 19TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail. The applicants have been convicted under Section 306 and 498-A r.w. 34 of I.P.C. The maximum sentence imposed on the applicant is three years.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. It is further submitted by the learned

advocate for the applicant that the maximum sentence imposed on the applicant is three years and this appeal is not likely to be heard within the said time.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421**, has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. Looking to the above facts and evidence on record I am inclined to grant bail.

5. On fine amount being paid, each of the applicants i.e. (1) Deelip Biru Pujari, (2) Hivra Biru Pujari, (3) Smt. Sonabai Biru Pujari and (4) Sau Putlabai Biru Gavde, to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount.

6. Application is disposed of.
